

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

DAVID RAY EVANS

PLAINTIFF

v.

Case No. 07-2040

JUDGE J. MICHAEL FITZHUGH,  
Circuit Judge; CLAIRE LOUISE  
BORENGASSER, Senior Deputy  
Prosecutor and UNITED STATES  
MAGISTRATE JUDGE JAMES R.  
MARSCHEWSKI

DEFENDANTS

ORDER

Now on this 12th day of May 2009, there comes on for consideration the report and recommendation filed herein on April 20, 2009, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. 4). Also before the Court are Plaintiff's written objections (Doc. 5).

The court has reviewed this case *de novo* and, being well and sufficiently advised, finds as follows: The report and recommendation is proper and should be and hereby is adopted in its entirety. Accordingly, Plaintiff's Complaint is DISMISSED on the grounds that the claims are frivolous, asserted against individuals who are immune from suit, or fail to state claims on which relief can be granted. See 28 U.S.C. § 1915(e)(2)(B)(i)-(iii) (IFP action may be dismissed on such grounds at any time).

IT IS SO ORDERED.

/s/ Robert T. Dawson  
Honorable Robert T. Dawson  
United States District Judge